

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL JOE WAGNER,
TDCJ #1082404,
Petitioner,

V.

DOUG DRETKE, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,
Respondent.

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CIVIL ACTION NO. H-04-1660

ORDER

On October 20, 2004, this Court dismissed the federal habeas corpus action filed by state inmate Michael Joe Wagner. On August 8, 2005, the United States Court of Appeals for the Fifth Circuit denied Wagner's petition for a certificate of appealability from that decision. *See Wagner v. Dretke*, No. 04-20971. Wagner has filed a motion for reconsideration of his request for a certificate of appealability. Because this Court has no jurisdiction to reconsider a decision made by the Fifth Circuit, it is **ORDERED** that the motion (Docket Entry No. 27) is **DENIED**.

The Clerk will provide a copy of this order to the parties and shall also provide a
copy of the petitioner's motion (Docket Entry No. 27) to the Fifth Circuit.

SIGNED at Houston, Texas, on 16th day of August, 2005.


Nancy F. Atlas
United States District Judge

